

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>4/23/08</u>
--

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE VIVENDI UNIVERSAL, S.A.  
SECURITIES LITIGATION

This Document Relates To:

07 Civ. 5742	07 Civ. 7370
07 Civ. 7775	07 Civ. 7776
07 Civ. 7778	07 Civ. 7779
07 Civ. 7863	07 Civ. 7803
07 Civ. 8208	07 Civ. 8156
07 Civ. 9229	07 Civ. 8830
07 Civ. 9593	07 Civ. 10578
07 Civ. 10954	07 Civ. 10995
07 Civ. 11092	07 Civ. 11297
07 Civ. 11305	07 Civ. 11483
07 Civ. 11484	07 Civ. 11485
07 Civ. 11628	08 Civ. 0024
08 Civ. 0116	08 Civ. 0117
08 Civ. 0418	08 Civ. 0908
08 Civ. 0950	08 Civ. 1111
08 Civ. 1938	08 Civ. 01973
08 Civ. 01974	08 Civ. 01983
08 Civ. 01975	08 Civ. 01985

No. 02 Civ. 5571 (RJH (HBP))

**STIPULATION AND ORDER**

**WHEREAS** Defendant Jean-Marie Messier served interrogatories upon the Plaintiffs in the above captioned actions ("Individual Plaintiffs") on January 14, 2008, including contention interrogatories, denominated Interrogatories 1-8 ("Messier's Contention Interrogatories");

**WHEREAS** Individual Plaintiffs served interrogatories upon Defendants Jean-Marie Messier, Vivendi Universal, S.A. and Guillaume Hannezo (collectively referred to as "Defendants") on March 14, 2008, including contention interrogatories, denominated Interrogatories 2-17 and 19 ("Individual Plaintiffs' Contention Interrogatories");

**WHEREAS** during a court conference before the Honorable Henry Pitman, United States Magistrate Judge, held April 3, 2008, Individual Plaintiffs and Defendants reached an

agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;

**WHEREAS** Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

**IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL,** that Defendants withdraw Messier's Contention Interrogatories.

Dated: New York, New York  
April 11, 2008



Michael J. Malone, Esq.  
King & Spalding LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 556-2100  
*Attorneys for Defendant Jean-Marie Messier*

Anthony J. Harwood, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, New York 10005  
(212) 907-0700

Michael Paskin, Esq.  
Cravath Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
(212) 474-1000

Stuart L. Berman  
Schiffman & Barroway, LLP  
280 King of Prussia  
Radnor, Pennsylvania 19087  
(610) 667-7706

agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;


**WHEREAS** Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

**IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL,** that Defendants withdraw Messier's Contention Interrogatories.

Dated: New York, New York  
April 11, 2008

---

Michael J. Malone, Esq.  
King & Spalding LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 556-2100  
*Attorneys for Defendant Jean-Marie Messier*

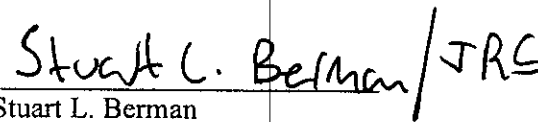


---

Anthony J. Harwood, Esq.  
Labaton Suchakow LLP  
140 Broadway  
New York, New York 10005  
(212) 907-0700

---

Michael Paskin, Esq.  
Cravath Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
(212) 474-1000



---

Stuart L. Berman  
Schiffman & Barroway, LLP  
280 King of Prussia  
Radnor, Pennsylvania 19087  
(610) 667-7706

agreement whereby both sides would withdraw their contention interrogatories and, in place of Defendants' Contention Interrogatories *and* Plaintiffs' Contention Interrogatories, by May 15, 2008, Individual Plaintiffs agreed to provide a list to Defendants identifying each alleged misrepresentation or omission on which they rely in support of their claims, and, by June 15, 2008, Defendants agreed to identify which defenses, if any, apply to each alleged misrepresentation or omission on Individual Plaintiffs' list;


**WHEREAS** Magistrate Judge Pitman's order of April 10, 2008 strikes Individual Plaintiffs' Contention Interrogatories but omits any mention of Defendants' Contention Interrogatories;

**IT IS HEREBY STIPULATED, BY AND BETWEEN THE UNDERSIGNED COUNSEL**, that Defendants withdraw Messier's Contention Interrogatories.

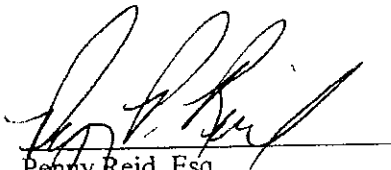
Dated: New York, New York  
April 11, 2008

\_\_\_\_\_  
Michael J. Malone, Esq.  
King & Spalding LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 556-2100  
*Attorneys for Defendant Jean-Marie Messier*

\_\_\_\_\_  
Anthony J. Harwood, Esq.  
Labaton Sucharow LLP  
140 Broadway  
New York, New York 10005  
(212) 907-0700

  
\_\_\_\_\_  
Michael Paskin, Esq.  
Cravath Swaine & Moore LLP  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
(212) 474-1000

\_\_\_\_\_  
Stuart L. Berman  
Schiffman & Barroway, LLP  
280 King of Prussia  
Radnor, Pennsylvania 19087  
(610) 667-7706



---

Penny Reid, Esq.  
Weil Gotschal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8000

*Attorneys for Defendant Vivendi Universal S.A.*

---

Martin L. Perschetz, Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, New York 10022  
(212) 756-2000  
*Attorney for Defendant Guillaume Hannezo*

---

Diane Toby Zilka  
Grant & Eisenhofer, PA  
485 Lexington Avenue, 29th Fl.  
New York, New York 10017  
(302) 622-7095

---

Michael E. Elsner  
Motley Rice LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000

---

Leslie Margaret Kelleher  
Caplin & Drysdale  
One Thomas Circle, N.W.  
Washington D.C. 20005  
(202) 862-5000

*Attorneys for Individual Plaintiffs*

**SO ORDERED:**

---

Henry Pitman, United States Magistrate Judge

Dated: New York, New York  
April \_\_, 2008


---

Penny Reid, Esq.  
Weil Gotschal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8000

*Attorneys for Defendant Vivendi Universal S.A.*

---

Martin L. Perschetz, Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, New York 10022  
(212) 756-2000  
*Attorney for Defendant Guillaume Hannezo*



---

Diane Toby Zilka  
Grant & Eisenhofer, PA  
485 Lexington Avenue, 29th Fl.  
New York, New York 10017  
(302) 622-7095

---

Michael E. Elsner  
Motley Rice LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000

---

Leslie Margaret Kelleher  
Caplin & Drysdale  
One Thomas Circle, N.W.  
Washington D.C. 20005  
(202) 862-5000

*Attorneys for Individual Plaintiffs*

**SO ORDERED:**

---

Henry Pitman, United States Magistrate Judge

Dated: New York, New York  
April \_\_, 2008

---

Penny Reid, Esq.  
Weil Gotschal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8000

*Attorneys for Defendant Vivendi Universal S.A.*

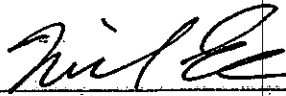
---

Martin L. Perschetz, Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, New York 10022  
(212) 756-2000  
*Attorney for Defendant Guillaume Hannezo*

---

Diane Toby Zilka  
Grant & Eisenhofer, PA  
485 Lexington Avenue, 29th Fl.  
New York, New York 10017  
(302) 622-7095

---



Michael E. Elsner  
Motley Rice LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000

---

Leslie Margaret Kelleher  
Caplin & Drysdale  
One Thomas Circle, N.W.  
Washington D.C. 20005  
(202) 862-5000

*Attorneys for Individual Plaintiffs*

**SO ORDERED:**

---

Henry Pitman, United States Magistrate Judge

Dated: New York, New York  
April \_\_, 2008

---

Penny Reid, Esq.  
Weil Gotschal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
(212) 310-8000

*Attorneys for Defendant Vivendi Universal S.A.*

---

Martin L. Perschetz, Esq.  
Schulte Roth & Zabel LLP  
919 Third Avenue  
New York, New York 10022  
(212) 756-2000  
*Attorney for Defendant Guillaume Hannezo*

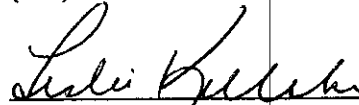
---

Diane Toby Zilka  
Grant & Eisenhofer, PA  
485 Lexington Avenue, 29th Fl.  
New York, New York 10017  
(302) 622-7095

---

Michael E. Elsner  
Motley Rice LLC  
28 Bridgeside Boulevard  
P.O. Box 1792  
Mount Pleasant, South Carolina 29465  
(843) 216-9000

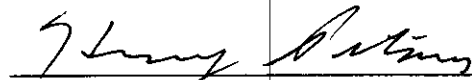
---

  
Leslie Margaret Kelleher  
Caplin & Drysdale  
One Thomas Circle, N.W.  
Washington D.C. 20005  
(202) 862-5000

*Attorneys for Individual Plaintiffs*

**SO ORDERED:**

---

  
Henry Pitman, United States Magistrate Judge

Dated: New York, New York  
April 23, 2008